

AMENDED IN SENATE APRIL 24, 2000

**SENATE BILL**

**No. 1816**

**Introduced by Senator Vasconcellos**

February 24, 2000

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An act to amend Section 65913 of ~~the Government~~, and to add Section 65588.5 to, the Government Code, and to add Section 50455.5 to the Health and Safety Code, relating to affordable housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1816, as amended, Vasconcellos. Affordable housing.

~~Existing~~

(1) *Existing law prescribes requirements for the housing element of a city or county general plan, and requires the Department of Housing and Community Development to biennially update and revise the California Statewide Housing Plan.*

*This bill would require local governments to submit housing element data to the department in electronic format, thereby creating a state-mandated local program. The bill would require the department to utilize and make available that data, as specified, and to include an affordable senior housing strategy in the California Statewide Housing Plan to guide spending decisions.*

(2) *Existing law declares that there exists a severe shortage of affordable housing, especially for persons and families of low and moderate income, and that there is an immediate need to encourage the development of new housing.*

This bill would also declare that a severe shortage of affordable housing exists for elderly and disabled persons and their families.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65588.5 is added to the  
 2 Government Code, to read:  
 3 65588.5. (a) *It is the intent of the Legislature in the*  
 4 *enactment of this section to make the existing housing*  
 5 *element process, including both five-year plans and*  
 6 *annual updates, an electronically based process to*  
 7 *dramatically improve the state's planning capabilities*  
 8 *and inform the California Statewide Housing Plan.*  
 9 (b) *The Department of Housing and Community*  
 10 *Development by July 1, 2001, shall create an electronic*  
 11 *template, utilizing common consumer software, for*  
 12 *quantitative and descriptive data gathered and*  
 13 *submitted through the housing element process pursuant*  
 14 *to Section 65583. Immediately thereafter the department*  
 15 *shall provide the template to local governments for a*  
 16 *30-day review and comment period. Upon consideration*  
 17 *of the comments received, the department shall finalize*  
 18 *the template and reissue it in final format within 60 days.*  
 19 (c) *Beginning January 1, 2002, local governments shall*  
 20 *submit data required under this chapter in the electronic*

1 *format issued by the department for annual housing*  
2 *element updates and five-year housing elements under*  
3 *existing timelines. Local governments shall transmit the*  
4 *completed electronic files to the department in the*  
5 *method of their preference, either on floppy disc or as an*  
6 *electronic mail attachment.*

7 *(d) Upon the receipt and review of the electronic*  
8 *housing element data, the department shall aggregate*  
9 *the data into a data base maintained by the department*  
10 *for use in the California Statewide Housing Plan and*  
11 *other planning activities.*

12 *(e) The department shall then make available the*  
13 *housing element data for each locality and the state as a*  
14 *whole on the Internet so that individuals and entities may*  
15 *better understand the status of the state's housing and*  
16 *related information and for planning purposes.*

17 *(f) Nothing in this section shall be construed to cause*  
18 *a change in the substance of information to be gathered*  
19 *in the existing housing element process.*

20 *SEC. 2. Section 65913 of the Government Code is*  
21 *amended to read:*

22 *65913. (a) The Legislature finds and declares that*  
23 *there exists a severe shortage of affordable housing,*  
24 *especially for persons and families of low and moderate*  
25 *income, and for elderly and disabled persons and their*  
26 *families, and that there is an immediate need to*  
27 *encourage the development of new housing, not only*  
28 *through the provision of financial assistance, but also*  
29 *through changes in law designed to do all of the following:*

30 *(1) Expedite the local and state residential*  
31 *development process.*

32 *(2) Assure that local governments zone sufficient land*  
33 *at densities high enough for production of affordable*  
34 *housing.*

35 *(3) Assure that local governments make a diligent*  
36 *effort through the administration of land use and*  
37 *development controls and the provision of regulatory*  
38 *concessions and incentives to significantly reduce*  
39 *housing development costs and thereby facilitate the*  
40 *development of affordable housing, including housing for*

1 elderly persons and families, as defined by Section 50067  
2 of the Health and Safety Code.

3 These changes in the law are consistent with the  
4 responsibility of local government to adopt the program  
5 required by subdivision (c) of Section 65583.

6 (b) The Legislature further finds and declares that the  
7 costs of new housing developments have been increased,  
8 in part, by the existing permit process and by existing land  
9 use regulations and that vitally needed housing  
10 developments have been halted or rendered infeasible  
11 despite the benefits to the public health, safety, and  
12 welfare of those developments and despite the absence  
13 of adverse environmental impacts. It is, therefore,  
14 necessary to enact this chapter and to amend existing  
15 statutes which govern housing development so as to  
16 provide greater encouragement for local and state  
17 governments to approve needed and sound housing  
18 developments.

19 *SEC. 3. Section 50455.5 is added to the Health and*  
20 *Safety Code, to read:*

21 *50455.5. (a) The department shall include an*  
22 *ongoing statewide affordable senior housing strategy in*  
23 *the California Statewide Housing Plan.*

24 *(b) From data gathered through the electronic*  
25 *housing element process in Section 65588.5 of the*  
26 *Government Code, and data gathered from the*  
27 *California Department of Aging, from the University of*  
28 *California as compiled pursuant to Section 9101.5 of the*  
29 *Welfare and Institutions Code, and from provider and*  
30 *consumer organizations as available, the department*  
31 *shall construct a thorough assessment and plan entitled*  
32 *the Affordable Senior Housing Strategy, for inclusion in*  
33 *the California Statewide Housing Plan.*

34 *(c) The strategy shall be updated annually to reflect*  
35 *current data and planning recommendations.*

36 *(d) The strategy shall depict (1) the existing supply of*  
37 *affordable housing available for seniors, as defined in*  
38 *Section 50053, including congregate housing for the*  
39 *elderly, as defined in Section 50062.5, and shared housing*  
40 *for the elderly, (2) an accounting of the existing and*

1 *projected need for affordable senior housing, including*  
2 *detail of the loss of housing due to public subsidy contract*  
3 *expirations and terminations, (3) demographics of older*  
4 *persons age 55 and 65 years and older, (4) geographic*  
5 *variances of housing needs, and (5) the estimated need*  
6 *for supportive services.*

7 *(e) The department shall utilize the strategy to make*  
8 *recommendations for state and local government in*  
9 *meeting the housing needs of the state's low-income*  
10 *elderly.*

11 *(f) The department shall establish a high priority upon*  
12 *the dedication of state revenues, funds, and programs to*  
13 *the development of affordable housing, including the*  
14 *development of affordable rental housing and related*  
15 *assistance, for low-income seniors and disabled adults.*  
16 *Findings from the state plan and the Affordable Senior*  
17 *Housing Strategy shall inform and influence spending*  
18 *decisions, consistent with the following:*

19 *(1) Existing or new state housing programs shall be*  
20 *utilized for the construction, preservation, and*  
21 *rehabilitation of affordable housing for the elderly and*  
22 *disabled adults.*

23 *(2) Long-term affordability agreements with*  
24 *minimum 50-year terms shall be required for new*  
25 *construction to protect the state's investment and ensure*  
26 *a lasting resource for low-income senior and disabled*  
27 *persons.*

28 *(3) Rental assistance and other programs such as*  
29 *shared housing shall also be used to meet the affordable*  
30 *housing needs of elderly and disabled adults.*

31 *(4) The department shall support, both through*  
32 *financial measures and program design, the provision of*  
33 *supportive service coordination to meet the unique*  
34 *housing needs of older and disabled adults.*

35 *SEC. 4. Notwithstanding Section 17610 of the*  
36 *Government Code, if the Commission on State Mandates*  
37 *determines that this act contains costs mandated by the*  
38 *state, reimbursement to local agencies and school*  
39 *districts for those costs shall be made pursuant to Part 7*  
40 *(commencing with Section 17500) of Division 4 of Title*

1 2 of the Government Code. If the statewide cost of the  
2 claim for reimbursement does not exceed one million  
3 dollars (\$1,000,000), reimbursement shall be made from  
4 the State Mandates Claims Fund.

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